

PLANNING AND ZONING COMMISSION  
Tuesday January 9, 2007 – MINUTES – Regular Session

Call to Order: Time In: 7:00 p.m.

The Planning and Zoning Commission of the Village of Canal Winchester met on the above date for a regular session and was called to order by Mr. Christensen.

Roll Call

Present: Mr. Christensen, Mr. Graber, Mr. McCoy, Mr. Vasko and Ms. Solomon. Mr. McCoy made a motion to excuse Mr. Wynkoop and Mr. Harper. Mr. Graber seconded the motion. The motion passed unanimously 5-0.

Mr. Christensen welcomed Jennifer Solomon to the Commission and also thanked Larry Felts for his many years of service on the Commission.

Organization for 2007 (election of Officers)

Mr. McCoy made a motion to go into Executive Session to discuss Officers for 2007. Mr. Vasko seconded the motion. The motion passed 5-0. Time Out: 7:01 p.m.

Mr. Christensen called the meeting back to order – Time In: 7:07 p.m.

Mr. McCoy made a motion to nominate Bill Christensen as Chairman for 2007. Ms. Solomon seconded the motion. Motion passed unanimously.

Mr. Graber made a motion to nominate Jim Wynkoop as Vice-Chairman for 2007. Ms. Solomon seconded the motion. Motion passed unanimously.

Mr. McCoy made a motion to nominate Mike Vasko as Secretary for 2007. Ms. Solomon seconded the motion. Motion passed unanimously.

Approval of Minutes

Mr. McCoy made a motion to approve the minutes of the December 11, 2006 regular meeting. Mr. Graber seconded the motion. The motion passed 4-0-1 with Ms. Solomon abstaining.

Public Comment

There were no comments.

Administer of Public Oath

Mr. Christensen administered the Public Oath.

Planning and Zoning Cases

Applications #CU-07-01 and #PSP-07-01 The property owners for the application are the Mid Ohio Historical Museum and Henrietta Pfeifer, located at 700 Winchester Pike. The applicant,

Damon Pfeifer, requested a Conditional Use to allow for wine preparation and sales in an R-3 Low Density Residential zoning district, Preliminary Site Plan approval for a 2,640 sq. ft. wine preparation and sales building. Allan Neimayer, Planning and Zoning Administrator gave the staff report and answered questions from the Planning and Zoning Commission.

Mr. Pfeifer stated that there will not be a restaurant, just grape growing processing and selling. Mr. Pfeifer also passed out a packet showing examples of other Ohio wineries in Residential areas. He specifically spoke about the "Slate Run Winery."

Mr. Christensen asked what jurisdiction that winery is located in. Mr. Neimayer stated he believed it was Bloom Township. Mr. Christensen stated that many of the wineries that Mr. Pfeifer is talking about are in the country. We need to look at the manufacturing of grapes in Canal Winchester.

Mr. McCoy stated that the commission needs to decide if the processing of wine is an agricultural use.

Mr. Vasko stated that there is a 10-acre minimum requirement that needs to be considered. This is only a .86 acres with no room for a buffer.

Mr. Graber asked why the winery could not be moved to the General Commercial zoning on the southeast side of the lake. Mr. Pfeifer stated that they would lose the view.

Mr. Vasko said that he would prefer the winery to go in the General Commercial zoning district.

Mr. Graber stated that the one hundred foot buffer was put into place for a reason and it needs to be upheld as well as the 10 acre minimum that was put into the code for a buffer.

Mr. Pfeifer stated that the residents do not want the winery anywhere, so the buffer is not going to matter.

Mr. Vasko and Mr. Pfeifer discussed the reference of premises and what it meant.

Mr. Pfeifer then asked to table the application since his counsel did not show. Mr. Christensen said that since the meeting was publicized they would need to go ahead and proceed with the public comment. He stated that it was up to the individual if they wanted to speak tonight or wait until next month as the public hearing would continue at that meeting.

#### Public Comment

1. Dick Hummel, 279 Trine Street, currently President of Union Grove Cemetery. He does not want to damage the reputation of the cemetery.
2. Glen Faught, 691 Winchester Pike, resubmitted a petition signed by residents of Winchester Pike. The residents are against the winery and sales. The building is too big just for processing and sales of the grapes he would grow on his property. Mr. Pfeifer has stated in the newspaper that he will be bringing grapes from other states and that gets into manufacturing. He will have trucks bringing materials in and cause more traffic. He stated that since Mr. Pfeifer has a full liquor license, he believes he will use it. He does not believe that he is not going to have a restaurant. Mr. Faught also has a letter from Ted Howard of Arlington Cemetery. He is against the winery for the possible damage it could cause to the cemetery. The roads are not made to support the traffic that could come through there. Winchester Pike is a dead end street and people would be coming down to turn around in the cemetery. Mr. Faught also brought up the

question of where he is going to put the septic system. There stated there would be nowhere else for it to drain except into the lake. If he puts the winery in the General Commercial area then he will not be able to put in a leach bed.

Mr. Graber asked if the winery moved to the General Commercial property, he could have a winery, full restaurant and bar. If he puts it in an R-3 zoning district he can only have the winery. Which would he prefer?

Mr. Neimayer passed around the letter from Ted Howard of Arlington Cemetery.

3. Sally Werle, 560 Winchester Pike. She questioned where does the agricultural stop? Can she raise pigs and have a slaughterhouse? She would like to know if the grapes have been planted, and if so when? How long it takes the vines to grow to bear fruit? Will grapes be brought in from elsewhere? Ms. Werle stated that there is another lake on the property with pine trees. Why is this not a location for it? She has another concern about the water. The doll museum is not tapped into the water system and is still using a well. What effect will the leach system have on the water table?
4. Suzanne Lones, 565 Winchester Pike, has the same concerns about the Ms. Werle. She stated the gravel road is only gravel lanes. There is grass between the ruts. She believes the traffic on Winchester Pike will be increased.
5. Laura Hutchins, one of the investors of the winery. She stated that they cannot use the other side. The ground is too soggy to take the road around the lake. She also said that it would be to close to the lake. Ms. Hutchins stated that the rest of the state allows wineries, so why not this one in Canal Winchester. She does not believe that the winery will have an effect on the cemetery.
6. Herb Pfeifer, 630 Winchester Pike, spoke on the zoning of the property that was done in 1983.
7. Jeff Bond, 36 Washington Street, said he is in support of the project.

Mr. McCoy made a motion to continue the public hearing at the February 12, 2007 meeting. Mr. Graber seconded the motion. The motion passed unanimously.

Mr. McCoy made a motion to table application #CU-07-01 and #PSP-07-01 per the applicant's request. Mr. Graber seconded the motion the motion passed unanimously.

Application #VA-07-02 The property owner and applicant is Canal Street Ventures LLC. They are requesting a variance to section 1153.15(b) to the side-yard setbacks on a corner lot. Tom Brigdon was present to answer questions from the commission. Andrew Dutton, Zoning Officer, gave the staff report.

There were no questions for Mr. Brigdon. Mr. Christensen opened the public comment.

#### Public Comment

There was no public comment.

Mr. Vasko made a motion to close the public hearing. Mr. Graber seconded the motion. The motion passed unanimously.

Mr. McCoy made a motion to approve Application #VA-07-02. Mr. Graber seconded the motion. The motion passed unanimously.

Applications #VA-07-01 and #FSP-07-02 The property owner is Dovel Development. The applicant, John Roush of Berry and Miller Construction, is requesting a variance to section 1185.03 to minimum parking requirements and Final Site Plan approval for a 10,000 sq. ft. engineering office/production facility. Mr. Dutton, Zoning Officer, gave the staff report. Craig Vanblemen of Berry and Miller Construction was present to answer questions from the Commission.

Mr. McCoy asked why they feel they do not need as many parking spaces? Mr. Vanblemen answered that they are an engineering facility and will not have the customers in and out of the building very often. Mr. McCoy asked where the office space is in the building. Mr. Vanblemen answered that it is in the front the rest of the building is a warehouse. Mr. Graber asked if he could put parallel parking spaces in front. Mr. Vanblemen said that he is not really enough space with the setback requirements. Mr. Neimayer said he could put spaces on the east side of the building. Mr. Vasko inquired about the staff recommendation to screen Howe Industrial Parkway. He said he sees three trees and there should be some shorter bushes inserted to meet the screening requirement. Will there be a problem with this? Mr. Vanblemen stated not a problem.

Mr. Christensen opened the public comment.

#### Public Comment

There was no public comment.

Mr. Vasko made a motion to close the public hearing. Mr. McCoy seconded the motion. The motion passed unanimously.

Mr. McCoy made a motion to approve application #VA-07-01 with the following conditions:

1. A provision that there be a contingent parking plan for five additional spaces to meet the code. The applicant shall work with staff and the Technical Review Group.
2. They are to consult Violet Township Fire Department regarding the parking spaces.

Mr. Vasko seconded the motion. The motion passed unanimously.

Mr. McCoy made a motion to approve application #FSP-07-01 with the following conditions:

1. Resolution of the off-street parking space requirement variance.
2. Compliance with Technical Review Group comments.
3. Provide the required screening of the parking area from the right-of-way. The bushes are to be located between the trees and the parking lot.

Mr. Graber seconded the motion. The motion passed unanimously.

#### Old Business

Council hearing on TND – Mr. Vasko is the Planning and Zoning Commission representative to Council regarding this application. Mr. Vasko asked Commission Members to forward him any

comments so that he can convey all of the Commission's opinion and not just his opinions to Council on this matter.

#### New Business

1. Dominion Homes has requested to alter the requirement of a pedestrian access easement to Reserve "A" on the recorded plat of Canal Cove Subdivision Section 2 Part 2. Mr. Neimayer gave a staff presentation on this request and explained that the Commission will need to forward a recommendation to Village Council. Ed Miller of EMH&T was present on behalf of Dominion Homes to answer questions.

Discussion ensued about how the reserve would be accessed and what other property owners would be affected. Mr. Christensen asked about it being handicap accessible. Mr. Miller stated that it could be accessed through the southern side of the pond. So a person in a wheelchair would have to go all around the pond just to get access to it?

Pamela Gredicak, 6908 Eliza Drive, she purchased her lot with the promise of an asphalt walkway. The grassy area is furthest away, and the children in the neighborhood that go there just ride their bikes through the closest access to them not the pathway. They have done it for two years and will probably continue to do so. She has pictures that she says show there is no place to put a pathway.

Mr. Vasko and Mr. McCoy do not see a reason the change the recorded plat.

Mr. McCoy made a motion to recommend to Village Council that the developer put in the asphalt path like what was originally purposed, that there be no change to the existing plat. Mr. Graber seconded the motion. The motion passed unanimously.

#### Planning and Zoning Administrator's Report

Mr. Neimayer mentioned that at the next Village Council meeting, next Tuesday at 7:00 p.m., there is a public hearing regarding the Casto rezoning (TND to EU). There will also be a presentation of recognition for Larry Felts. Mr. Neimayer also reminded the Commission of the joint session with Council this Saturday, January 13, 2007 at 8:30 p.m., at the community center.

#### Adjournment

Mr. Vasko made a motion to adjourn this regular session of the Planning and Zoning Commission. Mr. McCoy seconded the motion. The motion passed unanimously 5-0.

Time Out: 9:35 p.m.

Date \_\_\_\_\_

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Bill Christensen, Chairman

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Mike Vasko, Secretary